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HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			ROSEN, NICHOLAS D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/840,221	MORITA ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 December 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 May 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claims 1-19 have been examined.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer readable storage medium recited stores a “data structure,” but the “data structure” is merely non-functional descriptive material, “used to display . . . a written estimate,” but not specified as being computer-executable instructions which cause a computer to carry out a specific method. The “data structure” of claims 16 and 17 merely comprises “drawing information of the system which has been generated,” and comprises “cost estimate information of the system which has been generated.” The MPEP, 2106.01, quotes the New IEEE Standard Dictionary of Electrical and Electronics Terms (5th ed., 1993), defining a “data structure” as “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The “data structure” of claims 16 and 17 does not define such a physical or logical relationship among data elements, and nonfunctional descriptive material recorded on a computer-readable medium is not statutory, since no requisite functionality is present to satisfy the practical application requirement (“new and useful” in 35 U.S.C. 101). A particular instance of such a claimed “data structure” might be protected under the copyright law.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook et al. (U.S. Patent Application Publication 2003/0172003) in view of Schuller (U.S. Patent 6,882,980) and official notice. Holbrook discloses a system for forming a drawing of a system having a plurality of components that are to be combined, comprising: a merchandise information provider terminal adapted to be responsive to component arrangement information used to arrange the components on the drawing, responsive to estimate information used to calculate prices of the components (Abstract; paragraphs 5, 25, and 37), and responsive to a drawing-functional component

diagram used to draw drawings of the components (Abstract; paragraphs 5-7, 25-33, 36, 37, 43, and 50; Figures 1 and 2; Appendix A, pages 8 and 9); a component arrangement information and estimate database for storing the component arrangement information and the estimate information adapted to be entered at the terminal (Abstract; paragraphs 5-7, 32, 33, and 37); and a diagram database for storing the component diagram data (paragraph 37); a Web and application server for receiving a request and a condition, which are used to form the drawing, and for forming the drawing (paragraphs 32 and 33; Figure 1). Holbrook does not expressly disclose a database server distinct from the Web and application server such that the Web and application server receives component arrangement information corresponding to the received condition from the database server, but official notice is taken that database servers are known, and Holbrook discloses that the invention can be practiced in distributed computing environments (paragraph 29). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include a database server for transmitting information, for the obvious advantage of coordinating information stored at multiple remote processing devices, as disclosed by Holbrook.

Holbrook discloses the Web and application server forming the drawing of the system in which components are to be combined, based on received component arrangement information and a selection of components and their relationships to each other (*ibid.*, as above). Holbrook does not disclose that the component diagram database comprises a physically separate database from the component arrangement

information and estimate information database, although Holbrook does disclose that his invention can be practiced in a distributed computing environment (paragraph 29), but it is well known for database systems to be implemented by a number of physically separate database systems, as taught by Schuller (column 6, lines 16-23). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the component diagram database comprise a physically separate database from the component arrangement information and estimate information database, for the obvious advantage of storing data conveniently to where it is created or obtained, or for keeping data securely in the possession of its owners, or simply as a valid design choice among several.

Claims 2-8, 12, 14, 15, and 18

Claims 2, 3, 5, 7, 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook et al. (U.S. Patent Application Publication 2003/0172003) in view of Schuller (U.S. Patent 6,882,980) and the Microsoft Press Computer Dictionary. As per claim 2, Holbrook discloses a method of forming a drawing of a system in which a plurality of components are combined based on component diagram data having drawings of the respective components stored on a component diagram database, the method being performed with a computer, the method comprising: receiving component arrangement information including an arrangement of the components on the drawing from what can be called a component arrangement information and estimate information database (paragraphs 5-7, 25-33, 36, 37, 43, and 50; Figures 1 and 2; Appendix A, pages 8 and 9); generating, by using the

processor (see paragraph 29 for processor), drawing information of the system based on the received component information and the component diagram data (Abstract; Figures 8A, 8B, and 12; paragraphs 36, 37, 43, and 50; Appendix A, pages 8 and 9). Holbrook does not disclose generating the drawing information as a bitmap object, but bitmap objects are well known, as taught, for example, by the Microsoft Press Computer Dictionary (page 53, definition of bit map, bitmapped font, and bitmapped graphics). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate the drawing information as a bitmap object, for at least the obvious advantage of being able to transmit it as computer data so as to enable the user to look at the drawing on his client computer.

Holbrook does not disclose that the component diagram database comprises a physically separate database from the component arrangement information and estimate information database, although Holbrook does disclose that his invention can be practiced in a distributed computing environment (paragraph 29), but it is well known for database systems to implemented by a number of physically separate database systems, as taught by Schuller (column 6, lines 16-23). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the component diagram database comprise a physically separate database from the component arrangement information and estimate information database, for the obvious advantage of storing data conveniently to where it is created or obtained, or for keeping data securely in the possession of its owners, or simply as a valid design choice among several.

Holbrook does not expressly disclose that there is a volatile memory, or that the bitmap object is stored in the volatile memory, but volatile memory is well known, as taught, for example, by the Microsoft Press Computer Dictionary (page 502, definition of volatile memory). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the bitmap object in the volatile memory, for such obvious advantages as temporarily storing data to be transmitted in reusable memory immediately before and during transmission to the user's client computer.

As per claim 3, displaying drawings, etc. to the user, the user being at a client computer remote from the server (e.g., Abstract; Figure 1; paragraphs 5-7, 29, 33, 36, 43, and 50) requires transmitting the bitmap (or other drawing) object to the user.

As per claim 5, the teaching of Schuller, as applied to claim 2 above makes obvious storing the component arrangement information and component diagram data independently of each other; if they are stored in physically separated databases, they are in a sense stored independently of each other (and even if they were not stored in physically separated databases, they could be stored independently of each other).

As per claim 7, Holbrook discloses merchandise information provider terminals (client computers) separate from a central server computer (Figure 1; paragraphs 31-33, and 35); Holbrook discloses in a merchandise information provider terminal receiving component arrangement information (paragraphs 36, 37, and 43; Figure 2), and storing component arrangement information in what can be called a component arrangement information and estimate information database (paragraphs 36, 37, and

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43; Figure 2; Appendix A, pages 8 and 9), and receiving drawing-functional component diagrams and storing the drawing-functional component diagrams in a component diagram database (paragraphs 6, 7, 36, 37, and 43; Figure 2; Appendix A, pages 8 and 9).

As per claim 12, claim 12 recites a drawing as formed by the method of claims 2 and 3, and is therefore obvious on the same grounds set forth above.

(Claim 12 would be unpatentable in any event, because system drawings are known, and the content of printed matter will not distinguish the claimed product from the prior art. See *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004).)

As per claim 14, claim 14 recites a computer program product stored on a computer readable storage medium for causing a computer to perform the method of claim 2, and **as per claim 15**, claim 15 additionally recites causing the computer to perform the step of claim 3. Holbrook discloses programs for causing the server of his system to perform its functions (e.g., Abstract; paragraph 33), and discloses programs in memory storage devices, which are storage media (paragraph 29). Hence, claims 14 and 15 are obvious on the same grounds set forth above.

As per claim 18, Schuller discloses geographically distributed computers connected by a network, and discloses that a database system that may include a number of physically separate database systems each having their own computer processing as well as data storage facilities (column 6, lines 4-23). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to implement a database server to transmit the component arrangement information from the component arrangement information and estimate information database to the computer, wherein the computer comprised a web and application server, and the wherein the database server and the web and application server comprised different machines, as an obvious consequence of physically separate database systems each having their own computer processing as well as data storage facilities, done for the obvious advantage of storing data conveniently to where it is created or obtained, or for keeping data securely in the possession of its owners, or simply as a valid design choice among several.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook, Schuller, and the Microsoft Press Computer Dictionary as applied to claim 3 above, and further in view of official notice. Holbrook does not disclose that transmitting the bitmap object includes transmitting the bitmap object by streaming, but official notice is taken that transmitting objects by streaming is well known; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit the bitmap object by streaming, for at least the obvious advantage of enabling users to begin viewing and accessing the object before it has been completely transmitted.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook, Schuller, and the Microsoft Press Computer Dictionary as applied to claim 2 above, and further in view of official notice. As per claim 6, Holbrook discloses that the component arrangement information includes the coordinates of a component (Abstract;

paragraphs 25 and 26). Holbrook does not expressly disclose that the component arrangement information includes the size of the drawing, the scale of the drawing, an image frame, and a dimensional line, but official notice is taken that these are well known features of images. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the component arrangement information to include the size of the drawing, for at least the obvious advantage of providing a drawing of the proper size to make features readily visible, to fit on the display of a client device, etc.; the scale of the drawing, for at least the obvious advantage of aiding the user in judging the real-world size of the features shown; an image frame, for at least the obvious advantage of presenting at least one image in a series; and a dimensional line, for at least the obvious advantage of judging the size of objects in the drawing by comparison to the dimensional line.

As per claim 8, Holbrook does not expressly disclose that the drawing information of the system is a perspective view, but official notice is taken that it has been well known at least since the Renaissance to display drawings in perspective views, and in particular, that it is well known for computers to display objects or groups of objects in perspective view (Figures 8A and 8B) of Holbrook appear to qualify). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the drawing information of the system to be a perspective view, for the obvious advantage of enabling users to see the arrangement as it would appear from a particular point.

Claims 9-11, 13, 16, 17, and 19

Claims 9, 10, 13, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook et al. (U.S. Patent Application Publication 2003/0172003) in view of Schuller (U.S. Patent 6,882,980) and the Microsoft Press Computer Dictionary. Claim 9 recites a number of the same elements as claim 2, and these are rejected on the same grounds set forth above for claim 2. Claim 9 additionally recites generating, by using the processor, estimate information of the system based on the received component arrangement information and price data. Holbrook additionally discloses generating estimate information of the system based on the received component arrangement information and price data (e.g., Abstract; paragraphs 5, 25, and 37). Holbrook does not expressly disclose forming a written estimate, but even taking this to be a limitation of claim 9, despite the word “written” appearing only in the preamble, without any explicit step of writing in the body of the claim, Holbrook discloses the client computers having printers as output devices (paragraph 31), which would enable reports provided to users (as per paragraph 25) to be printed. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to form a written estimate, for the obvious advantage of maintaining hardcopy documentation for ready consultation away from the computer.

As per claim 10, Holbrook discloses merchandise information provider terminals (client computers) separate from a central server computer (Figure 1; paragraphs 31-33, and 35); Holbrook discloses in a merchandise information provider terminal receiving component arrangement information (paragraphs 36, 37, and 43; Figure 2), and storing component arrangement information in what can be called a component

arrangement information and estimate information database (paragraphs 36, 37, and 43; Figure 2; Appendix A, pages 8 and 9), and receiving drawing-functional component diagrams and storing the drawing-functional component diagrams in a component diagram database (paragraphs 6, 7, 36, 37, and 43; Figure 2; Appendix A, pages 8 and 9).

As per claim 13, claim 13 recites a written estimate as formed by the method of claim 9, and also Holbrook discloses providing a report including total cost (paragraph 25), which implies transmitting the estimate information. For the transmission of the bitmap object, displaying drawings, etc. to the user, the user being at a client computer remote from the server (e.g., Abstract; Figure 1; paragraphs 5-7, 29, 33, 36, 43, and 50) requires transmitting the bitmap (or other drawing) object to the user.

(Claim 13 would be unpatentable in any event, because written estimates are known, and the content of printed matter will not distinguish the claimed product from the prior art. See *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004).)

As per claims 16 and 17, Holbrook, Schuller, and the Microsoft Press Computer Dictionary make obvious providing drawing information and cost estimate information in a computer system, as set forth above; therefore the data structure used to display the written estimate on a terminal apparatus is likewise obvious, for the obvious advantage of causing the estimate to be displayed and thus made available. Furthermore, Holbrook discloses programs in memory storage devices, which are storage media (paragraph 29).

As per claim 19, Schuller discloses geographically distributed computers connected by a network, and discloses that a database system that may include a number of physically separate database systems each having their own computer processing as well as data storage facilities (column 6, lines 4-23). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to implement a database server to transmit the component arrangement information from the component arrangement information and estimate information database to the computer, wherein the computer comprised a web and application server, and the wherein the database server and the web and application server comprised different machines, as an obvious consequence of physically separate database systems each having their own computer processing as well as data storage facilities, done for the obvious advantage of storing data conveniently to where it is created or obtained, or for keeping data securely in the possession of its owners, or simply as a valid design choice among several.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook, Schuller, and the Microsoft Press Computer Dictionary as applied to claim 9 above, and further in view of official notice. Holbrook does not expressly disclose storing the generated estimate information and an identification number that specifies said estimate information, whereby the written information can be retrieved, but official notice is taken that it is well known to save information and an identification number or name specifying the saved information, whereby the information can be retrieved. Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention to store the generated estimate information and an identification number that specifies said estimate information, whereby the written information can be retrieved, for the obvious advantage of being able to find and retrieve the generated estimate information, should a user wish to return to a previously designed system of components.

Response to Arguments

Applicant's arguments filed December 20, 2007, have been fully considered but they are not persuasive. They are also, in part, moot in view of the new ground(s) of rejection. Applicant argues that the 35 U.S.C. 101 rejections against claims 14-17 should be withdrawn. The rejections of claims 14 and 15 as non-statutory have been withdrawn, but the amendments to claims 16 and 17 are not believed to make them statutory, as set forth above.

With regard to the rejections made based on the prior art, Applicant argues that if the criteria and rationales set forth in the *KSR vs. Teleflex* decision are not met, the claimed invention is distinguishable over the cited reference(s). Examiner agrees, but maintains that if the criteria and rationales of the *KSR vs. Teleflex* decision are met, then the claimed invention is rejectable. With regard to claim 1 in particular, while Holbrook does not quite disclose physically separated databases, etc., despite disclosing that his invention can be practiced in a distributed computing environment, Schuller does teach physically separated databases, as well as implying physically

separated servers by the database systems having their own computer processing and data storage facilities.

Regarding claim 2 and its dependent and parallel claims, Applicant again addresses the element of separate databases, and then states, “The Official Action relies upon the Microsoft Press Computer Dictionary for its disclosure of a bit map definition. Therefore, the Official Action has not and cannot reasonably rely upon the Microsoft Press Computer Dictionary to make up for the deficiencies in Holbrook et al. noted above.” This appears to be a *non sequitur*; something else in the Microsoft Press Computer Dictionary might supply other deficiencies of Holbrook (although in fact Schuller is used). Schuller provides teachings which make obvious claim 2, and several other claims.

Regarding claims 9-11, 13, 16, and 17, Applicant essentially repeats his arguments as applied to claim 2 and its family above; they are still unpersuasive, and there also remain such issues as the failure of anything in the body of claim 9 to breathe life and weight into “forming a written estimate” in the preamble thereof, and the question of whether a written estimate as formed by the method of claim 13 can be distinguished from an identical written estimate formed some other way.

Finally, Applicant asserts that new claims 18 and 19 are allowable at least by virtue of their respective dependencies on claims 2 and 9, but claims 2 and 9 stand as rejected, and claims 18 and 19 are likewise obvious based on Holbrook and Schuller.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greer et al. (U.S. Patent Application Publication 2001/0047273) discloses an electronic transaction clearing system (and in particular discloses, in paragraph 34, that database systems can be implemented in a number of physically separate database systems).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625
January 29, 2008